

In the Supreme Court of the State of Alaska

**Sally Burattin, Rosemarie L Hotch,
and Patrick Philpott,**

Appellants,

v.

**Chilkat Indian Village and State of
Alaska,**

Appellees.

Trial Court Case No. **1JU-76-00516CI**

Supreme Court No. **S-17498**

Order

Appellate Rule 510 Fine

Date of Order: **April 24, 2020**

Before: Bolger, Chief Justice, Winfree, Stowers, Maassen, and
Carney, Justices

On March 12, 2020, this Court issued an order requiring Appellants' attorney, Fred Triem, to show cause why he should not be fined \$1,000.00 under Appellate Rule 510(c) for his persistent failure to comply with the appellate rules. Triem's March 23, 2020 response, entitled "Motion for Reconsideration on Tardy Brief Sanctions," does not show good cause why he should not be sanctioned. Triem's response mischaracterizes the problem as a need for more time in a complex appeal with logistical challenges. This Court grants more time when the need for it is demonstrated. But parties who need more time are expected to follow the rules governing such requests, which include filing non-routine motions for extension "at any time before the party's brief is due." *See* Alaska App. R. 503.5.

Because of granted motions for extensions of time, Appellants' opening brief — originally due September 18, 2019 — was due November 25. Appellants filed nothing that day. The clerk's office issued an overdue brief notice requiring that a brief and accompanying motion be filed by December 18. On that day Appellants filed a

request for extension to December 23; the motion was not granted, but in any event Appellants filed nothing on their requested new deadline. On December 27 Triem responded to an email query from the clerk's office and said he would submit his brief and excerpt of record that afternoon by email. Appellants filed nothing that day. Triem filed Appellants' opening brief 11 days later — on January 7 — and did not file a motion for leave to file the late brief until yet another 11 days later, on January 18.

Triem's failures do not reflect a simple need for more time, but rather a persistent flouting of the appellate rules that not only ultimately causes more work for court staff and opposing counsel, not to mention members of the Court, but also shows disrespect for the Court, disrespect and discourtesy to the opposing party, and disregard for the possible consequences to his clients.¹

IT IS ORDERED: Triem shall pay a \$1,000.00 fine, on or before **May 14, 2020**.

Entered at the direction of the Court.

Clerk of the Appellate Courts

/s/ M. Montgomery

Meredith Montgomery

¹ The Court notes that in other cases Triem has gone to the other extreme for the same result, asking for serial extensions of small amounts of time (when obviously more time was necessary), but always filing the motions in a timely fashion under the appellate rules, so that several motions may be pending at the same time, causing opposing counsel, court staff, and members of the Court to do far more work than should be necessary.

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